



## **Watershed Protection Division**

### **Priorities for FY08-09** *David Leland*

Priorities for the Watershed Protection Division cover permitting, enforcement, grants, solid waste, and TMDL development. Many efforts involve coordination and involvement of multiple units and divisions; key priorities in this area are highlighted at the end of this summary. In addition to these priority activities, there is a wide range of other activities not listed here but helping to keep Division staff on their toes.

#### **Permitting**

- ❑ Renew NPDES permits for 5 major and 6 minor dischargers.
  - Continue to integrate Low Impact Development principles into permits.
  - Increase water recycling and water reuse.
  - MS4 Phase I Sonoma County is largest and most complex renewal this FY.
  - Renewals often must address complex special situations: BPAs needed, ownership changes, bankruptcy, lawsuits.
  - Compliance for small communities is an ongoing challenge, heightened by MMP regulations.
- ❑ Address Infiltration/Inflow issues for all collection systems.
- ❑ Inspections
  - Inspect all major and at least 20% of minor NPDES dischargers.

- Inspect 40 industrial stormwater facilities.

#### **Enforcement**

- ❑ Complete MMP backlog cleanup.
- ❑ Keep up to date on enforcement of MMP violations.
- ❑ Summarize status and priorities for enforcement efforts in programs outside NDPES, including SSOs, WDR facilities, nonpoint sources, 401 certifications, and stormwater.

#### **TMDL Development and Planning**

- ❑ Klamath River TMDL Staff Report and Basin Plan Amendment to Public Review in May.
- ❑ Complete and present for adoption 303(d)/305(b) Integrated Report.
- ❑ Continue characterization work for Laguna de Santa Rosa TMDL.
- ❑ Complete problem statement for Lakes Mercury TMDL.
- ❑ Continue characterization work for Russian River/Laguna/ SR Creek Pathogens TMDLs.
- ❑ Support EPA on Lost River technical TMDL completion.

#### **Grants**

- ❑ Bring new programs (e.g., Prop 84) on line.
- ❑ Now dealing with fallout of statewide payment freeze.

#### **Solid Waste**

- ❑ Make determinations as appropriate on Central Landfill closure and divestiture processes.

### Cross Unit and Cross Divisional Priorities

- ❑ Initiate early TMDL implementation in the Russian River and Laguna
  - West County sewer issues
  - Opportunities for regional facilities and water reuse
  - Nonpoint sources and stormwater in the Laguna.
- ❑ Implement Shasta and Scott TMDLs.
- ❑ Foster linkage of grants to priorities: project selection, results, communication.
- ❑ Initiate focused enforcement efforts for SSOs, WDR facilities, nonpoint sources, 401 certifications, and stormwater.
- ❑ Update WMI chapter.
- ❑ Coordinate with NPS Unit in developing a permitting framework for dairies in the region including possible NPDES permit.

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### Enforcement Report for April 2009

*Diana Henrioulle*

On November 14, 2008, the Executive Officer (EO) issued a combined Cleanup and Abatement Order (CAO) (No. R1-2008-0120 ) and 13267(b) Order to **Douglas P. Carter** for the unpermitted discharge and threatened discharge of waste material from the Pete's Power Wash car washing facility in Ukiah, into waters of the State. The Order requires Mr. Carter to ensure that all discharged wastes and associated contaminated materials are characterized, removed, and properly disposed of and that site receiving waters are investigated and if necessary, remediated. All work must be performed and/or overseen by a

California registered professional engineer or geologist.

On November 14, 2008, the EO issued a combined CAO (No. R1-2008-0118) and 13267(b) Order to **Norm and Sharon Erlich and River's Edge RV Park** for the unpermitted discharge and threatened discharge of raw sewage to waters of the State in Rio Dell, Humboldt County. The Order requires abatement of discharge of raw sewage onto the ground surface, submittal of a summary report of the type, location, and condition of onsite domestic wastewater collection and conveyance facilities, and submittal and implementation of a plan to repair or replace all broken, failing, or dilapidated equipment onsite associated with sewage collection, conveyance, storage, and pumping.

On December 8, 2008, the EO issued CAO No. R1-2008-0121 rescinding CAO No. R1-2008-0068, issued to **Mr. Albert E. Tordjman** for a diesel fuel spill which occurred on his property in Miranda, Humboldt County.

On December 11, 2008, the Assistant Executive Officer (AEO) issued a Notice of Violation (NOV) to **Mendocino College** for failing to obtain coverage under a Municipal Storm Water Permit.

On December 12, 2008, David Leland, Supervising Water Resource Control Engineer, signing for the EO, issued a NOV and 13267(b) order to the **California Department of Transportation (Caltrans)** for illegal dredge and fill activities in waters of the State on a project located adjacent to Route 253, post mile 7.75 in Mendocino County. The Order directs Caltrans to submit a report describing the incident, measures Caltrans proposes to



implement to prevent future similar occurrences, a restoration and mitigation plan, a report on the process and installation of erosion control and other BMPs to protect water quality, and additional information to assist Regional Water Board staff reviewing the circumstances of the incident and considering appropriate followup measures/ requirements.

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### **SWRCB Revisions to the Enforcement policy concerning supplemental Enforcement Projects**

To read the attachment please visit the website:  
[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/enforcement/index.shtml)

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### **Recycled Water Policy**

On February 3, 2009 the State Board adopted a statewide policy covering recycled water. The purpose of the policy is to establish uniform requirements for the use of recycled water, the State Water Resources Control Board adopted a statewide Recycled Water Policy in February 2009. The regulatory provisions of the Policy will go into effect only after approval by the Office of Administrative Law.

The purpose of the Policy is to increase the use of recycled water from municipal wastewater sources that meets the definition in Water Code Section 13050(n), in a manner that implements state and federal water quality laws. When used in compliance with the Policy, Title 22, and all applicable state and federal water quality laws, the State

Water Board finds that recycled water is safe for the approved uses, and strongly supports recycled water as a safe alternative to potable water for such approved uses. The policy established goals for California which are to:

- o Increase the use of recycled water over 2002 levels by at least one million acre-feet per year (afy) by 2020 and by at least two million afy by 2030.
- o Increase the use of stormwater over use in 2007 by at least 500,000 afy by 2020 and by at least one million afy by 2030.
- o Increase the amount of water conserved in urban and industrial uses by comparison to 2007 by at least 20 percent by 2020.
- o Substitution of as much recycled water for potable water as possible by 2030.

To accomplish these goals, the policy provides direction to the Regional Boards, proponents of recycled water projects, and the public regarding the appropriate criteria to be used by the State Board and the Regional Boards in issuing permits for recycled water projects. The Policy describes criteria that are intended to streamline the permitting of the vast majority of recycled water projects. These criteria are also intended to maximize consistency in the permitting of recycled water projects in California while also trying to provide sufficient authority and flexibility for the Regional Boards to address site-specific conditions. Agencies producing recycled water have requirements to make the water available for reuse under reasonable terms and conditions. Under the Policy, the State Board reiterates that it intends to exercise its authority pursuant to Water Code section 275 to the fullest



extent possible to ensure such water is recycled.

The Policy also sets out clarifying detail on the Roles of the State Board, Regional Boards, Department of Public Health and Department of Water Resources.

For full information, see the website for the water recycling policy:  
[http://www.waterboards.ca.gov/water\\_issues/programs/water\\_recycling\\_policy/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/index.shtml)

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### **State Board Revised Policy On Supplemental Environmental Projects**

Diana Henriouille

Our enforcement policy recently (February 3, 2009) was revised with respect to Supplemental Environmental Projects (SEPs). The thrust of the revision was to provide more structure to the use of SEPs which have become a frequently selected option for civil liability enforcement actions. The State Board sought to allow Regional Boards to continue to utilize SEPs as a means of resolving enforcement actions, but wished to ensure that some monetary civil liabilities still flowed to the Cleanup and Abatement Account. In addition, ensuring that SEPs addressed priorities and had some oversight was important so that the Water Boards and the public could have confidence that the SEPs resulted in an actual project with the intended environmental benefit.

Key Revisions Include:

Limitations on the amount of a SEP relative to the overall monetary assessment since the old policy had no

limitation. The Policy enacts a “soft” ceiling of 50% (after repayment of enforcement costs). The 50% limit can be exceeded with approval of the Director of the Office of Enforcement of the State Water Board where there is compelling justification.

- o Places the discharger in a more active role of implementing the SEP by requiring that SEPs be fully completed before the discharger satisfies its obligation under the penalty assessment. Previously, some regions permitted the payment of funds to a third party in full satisfaction of the discharger’s SEP obligation.
- o Annual reporting of SEPs now allows for more transparency and public tracking of SEPs. In addition, auditing provisions have been added.
- o Addresses issues related to the cost of Regional Board oversight of SEPs, and also requires recovery of economic benefit enjoyed by discharger from its noncompliance in the penalty portion of any settlement in which a SEP is utilized.

The Office of Enforcement plans to develop standard language and forms to be used in Settlement Agreements and Orders which memorialize the use of a SEP in settlement of an administrative civil liability enforcement action. For the full changes to the Enforcement Policy, and other related actions, see the web page for the Compliance and Enforcement Unit:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/water_issues/programs/enforcement/)

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## **SWAMP 5 YEAR SUMMARY**

*Rich Fadness*

In November 2000, the Legislature established the Surface Water Ambient Monitoring Program (SWAMP) to restructure existing water quality monitoring programs into a new program. In the North Coast Region (NCR), the SWAMP uses a two-component approach to address regional and site-specific monitoring: 1) long-term monitoring sites for trend analysis, and 2) rotating intensive basin surveys. Long-term monitoring sites were chosen from both impaired (303(d) listed) and unimpaired (non 303(d) listed) waterbodies within the Region.

The SWAMP monitoring plan is designed to monitor trends in water quality to evaluate improvement or degradation to water quality through time. The long-term monitoring sites are located at the bottom of large drainage areas in order to reflect the impacts of management activities occurring within the basins. The rotation schedule is designed to collect and analyze data within each hydrologic unit. This allows the NCR to focus on a few watersheds at a time, which is considered to be the best use of limited resources.

Additionally, the SWAMP was also closely coordinated with the North Coast Watershed Assessment Program (NCWAP) and the Total Maximum Daily Load (TMDL) program schedule to provide current information on water quality parameters to the NCWAP assessment and the TMDL process.

The NCR SWAMP analyzed surface water grab samples for as many as 206 analytes, depending upon waterbody and season. These analytes included a) field parameters such as temperature,

dissolved oxygen, specific conductivity and pH, b) metals including aluminum, arsenic, chromium, copper, lead, mercury, silver, and zinc, c) nutrients including ammonia, nitrate and nitrite, TKN, total and ortho-phosphorus, and sulfate, d) 100 pesticides, pesticide constituents, isomers, or metabolites, and 50 PCB congeners. These analytes include a) those with stated concentration objectives, b) some with concentration recommendations, and c) others which have no stated objective or recommendation. The data were evaluated against multiple criteria to evaluate where additional monitoring may be warranted and what analytes to sample when additional funding becomes available.

The NCR has developed 110 monitoring locations and made 819 site visits between Mar 2001 and June 2006. Of the 110 locations, 80 are rotating basin locations ranging from 2 to 10 site visits each, and 30 are long-term trend monitoring locations ranging from 10 to 23 site visits each. These monitoring locations are spread throughout the region and include locations in each of the 6 Watershed Management Areas (WMAs); Klamath River, Trinity River, Humboldt Bay, Eel River, North Coast Rivers, and Russian-Bodega.

Water quality conditions in the NCR, as determined by the water column sampling of the SWAMP, are generally meeting objectives and standards set by USEPA and the State of California, the SWAMP did document some exceedances of standards and objectives, as well as recommended criteria. As stated in the Basin Plan, "The present water quality within the Region generally meets or exceeds the water quality objectives set forth in...this Plan. In most cases the water quality is



sufficient to support, and in some cases, enhance the beneficial uses assigned to water bodies in...this Plan.”

The field parameters data were compared to the Basin Plan. In the Region there were 50 pH exceedances at 25 locations for a 6 % exceedance rate. DO observations exceeded the Basin Plan on 12 site visits at 12 locations, for a 1% exceedance rate. The Basin Plan objective for specific conductance is a two-part objective of averaged values. The SWAMP did not collect enough data to determine exceedance values absolutely, but did note that there may be 36 possible exceedances at 26 locations for a 17% exceedance rate.

Metals data were compared to the Basin Plan and to USEPAs Freshwater Aquatic Life Protection criteria. Of the metals sampled, total aluminum exceeded the Basin Plan objective on 32 site visits at 13 locations, for a 4% exceedance rate. Total copper and total mercury exceeded the USEPA criteria on 3 site visits for an exceedance rate of less than 0.5 %.

There are no stated objectives for nutrient concentrations in California. Due to the lack of stated objectives, data for these parameters were compared to USEPA’s recommended nutrient criteria for rivers and streams in Western Forested Mountains portion of the US, also known as Ecoregion II. The nutrient data collected by the SWAMP is elevated throughout the Region based upon this comparison. Total nitrogen is in elevated concentrations on 71% of the total site visits, at 78 locations. Total phosphorus is in elevated concentrations on 19% of the total site visits, at 42 locations, and ortho-phosphorus is in elevated

concentrations on 15% of the total site visits, at 29 locations and. Chlorophyll-A is in elevated concentrations on 38% of the site visits, at 76 locations.

100 different pesticides, pesticide constituents, isomers, or metabolites and 50 PCB congeners were sampled in the NCR by the SWAMP. This equated to 6784 separate pesticide data points of which there were 97% in non-detectable concentrations, 2.5% were in concentrations above the lab methods detection limits, but were below the reporting limits and only 0.5% of the samples were in concentrations that could be reported with certainty. Of the 3% of detected pesticides, fully 1/3 were legacy pesticides, pesticides that have been banned for use in the United States including DDT, Lindane, and Chlordane. Another 1/3 of the detections were of Diazinon, with the greatest number of these detections in the Russian River and Smith River watersheds. The final 1/3 of the detections were of 18 different pesticides spread throughout the Region. There were 89 PCB detections out of 13599 analysis points, all of which were below the reporting limit of 2 parts per trillion (ppt). All of the pesticide and PCB detections were below stated objectives and standards, except DDT. DDT has an USEPA Freshwater Aquatic Life Protection objective of 1 ppt, and the method detection limit for the analysis is 1 ppt, therefore the 17 detections exceed the objective.

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